

CHAPTER 1—GENERAL INFORMATION ABOUT ARAC

PURPOSE

This chapter provides Aviation Rulemaking Advisory Committee (ARAC) members with—

- An overview of ARAC,
- Information on ARAC’s composition, and
- A summary of the ARAC process.

OVERVIEW OF ARAC

Definition of ARAC

ARAC is a formal standing advisory committee made up of representatives from—

- Aviation associations,
- Aviation industry,
- Public interest groups,
- Advocacy groups, and
- Interested members of the public.

ARAC provides the Federal Aviation Administration (FAA) with information, advice, and recommendations, through the Associate Administrator for Regulation and Certification, related to aviation issues.

History of ARAC

The Secretary of Transportation and the FAA Administrator created a Departmental Task Force on FAA Reform to recommend improvements in operations within the FAA and between the FAA and the Office of the Secretary. The Secretary directed a subgroup of the task force to recommend changes that would improve the process for safety-related rulemakings. That subgroup proposed the establishment of an advisory committee to serve as a forum for the FAA to obtain input from the aviation industry on major regulatory issues. The Administrator established ARAC for this purpose on February 15, 1991.

The FAA has the sole authority to task ARAC. This allows the FAA to work with industry and the public to improve the development of the FAA’s regulations.

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ARAC objectives

ARAC's objectives are to—

- Improve development of the FAA's regulations by involving interested members of the public early in the development stage. The ARAC—
 - Includes the public's concerns and opinions in certain documents to reduce the probability of receiving nonsupportive public comments when a document is published.
 - Avoids placing unnecessary burdens on the public because of a lack of information.
- Exchange ideas through the ARAC process, which gives the FAA additional opportunities to obtain firsthand information and insight from those parties most affected by existing and proposed regulations.

Federal Advisory Committee Act (FACA) and ARAC

The Federal Advisory Committee Act (FACA) governs ARAC's activities. (FACA, Title 5 of the United States Code, appendix 2.)

FACA states that—

- Unless specified by a law or presidential directive, advisory committees must be used solely for advisory functions;
- Standards and uniform procedures should govern the advisory committee's—
 - Establishment,
 - Operation,
 - Administration, and
 - Duration; and
- Congress and the public must be kept informed of the advisory committee's—
 - Purpose,
 - Membership,
 - Activities, and
 - Cost.

FACA also includes requirements on advisory committee—

- Procedures,
- Meetings,
- Publication of notices in the Federal Register,
- Annual reports,

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- Federal officer or employee attendance, and
- Recordkeeping requirements.

Appendix A to this manual discusses FACA requirements as they relate to ARAC.

FACA requires the FAA to review the ARAC charter every 2 years to determine the need to continue ARAC. The Secretary of Transportation and the General Services Administration must approve each new ARAC charter.

ARAC membership

The FAA selects organizations to serve on ARAC to ensure the membership is fairly balanced in terms of the—

- Points of view of those represented and
- Functions to be performed by ARAC.

The FAA also invites organizations with a limited interest in ARAC's work to participate as observers when ARAC considers matters concerning their areas of interest. Furthermore, an individual may participate at the working group level on a task he or she has a specific interest in without being an ARAC member.

The FAA limits ARAC membership to those organizations or individuals who have a substantial interest in or will be substantially affected by ARAC's mission. In making its selections, the FAA keeps in mind that ARAC membership should represent every segment of the aviation industry, plus the public. As the mission changes, the FAA adds member organizations when an organization's interests are not represented.

If an organization is interested in becoming an ARAC member and believes the interests of that organization are not represented by current membership, the organization must petition the ARAC executive director to become a member. The petition must—

- Indicate a desire to become an ARAC member.
- Explain why the organization believes its interests are not represented by the current membership.
- Describe the expertise the organization would bring to ARAC to enrich the ARAC process.

The ARAC executive director reviews the petition and notifies the organization whether the petition has been granted or denied. Mail the request to become a member to—

Federal Aviation Administration
Director, Office of Rulemaking
800 Independence Avenue SW.
Washington, DC 20591

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ARAC members are groups the FAA determines represent the various viewpoints of those affected by the Federal Aviation Regulations. The members cover a broad spectrum of aviation interests that relate to—

- Air carriers,
- Air traffic,
- Airports,
- Flight attendants,
- Manufacturers,
- Pilots,
- Public interest and advocacy groups,
- Repair stations, and
- Consumer issues.

The FAA posts the current ARAC member organizations on the FAA Web site at <http://www.faa.gov/avr/arm/aracmembership.htm>.

Organization

ARAC is composed of—

- The full committee,
- The Executive Committee,
- Issue areas, and
- Working groups (which also include task groups).

Full committee: Made up of the member organizations that make up ARAC.

Executive Committee: Made up of aviation industry, FAA, Joint Aviation Authorities (JAA), and public interest representatives. Provides the overall administration of ARAC.

Issue area: Made up of ARAC members with interest in a specific subject area. The FAA assigns each issue area tasks related to that issue area's specific subject.

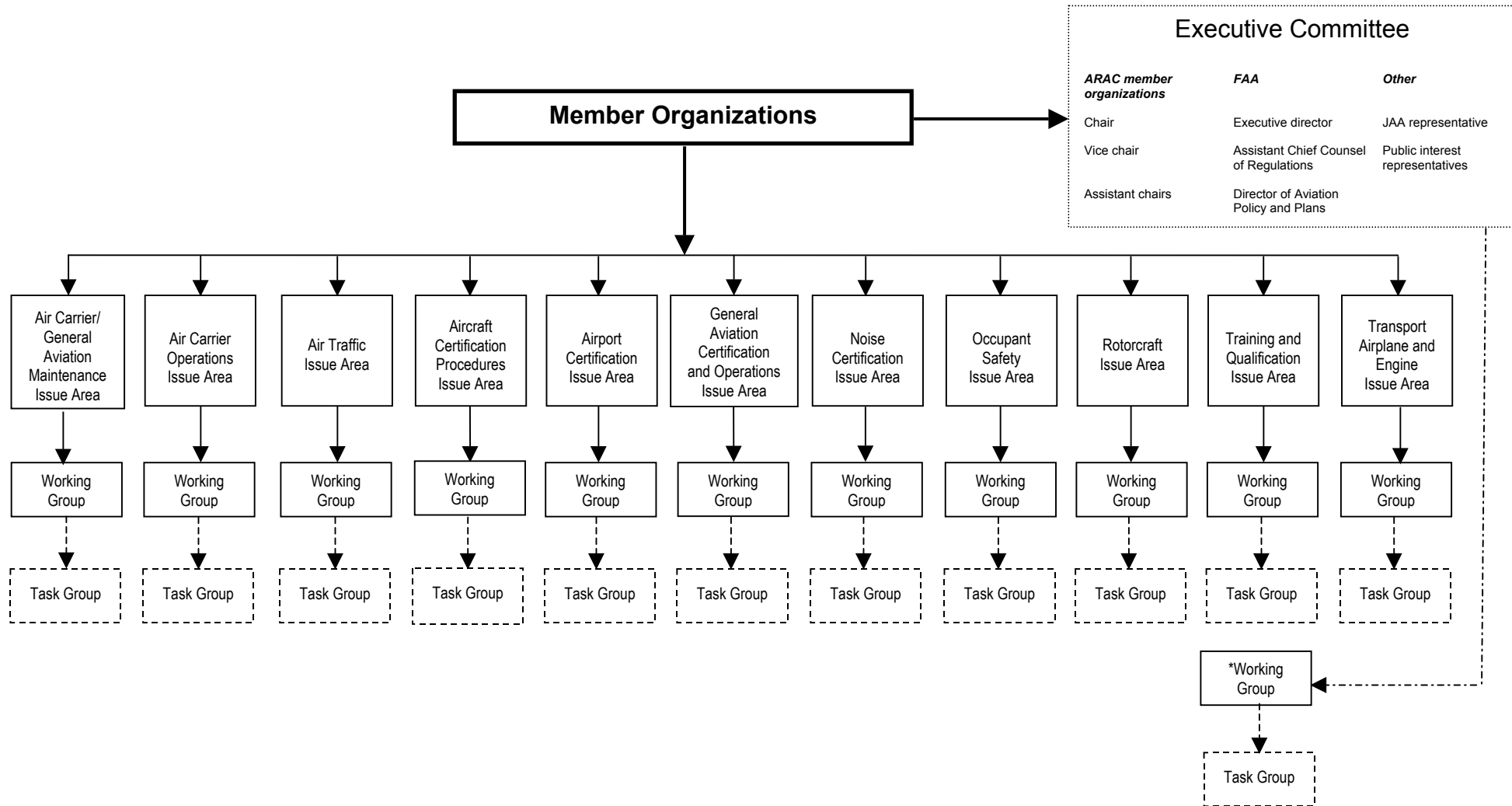
See chapter 4 for further information regarding issue areas.

Working group: Made up of individuals selected by an issue area in consultation with the FAA to complete a specific task. The day-to-day work of ARAC takes place in the working groups. The individuals who comprise the working groups are responsible for completing each task ARAC assigns them. Members may form task groups within the working group to solve individual issues. ARAC member and non-ARAC member organizations, and individuals may be a part of working groups.

See chapter 5 for further information regarding working groups.

Note: A working group may report directly to the Executive Committee instead of an issue area. The Executive Committee then performs the same role as an issue area.

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* Denotes working groups that report directly to the Executive Committee.
 ---- Denotes a subgroup of the working group that may be formed to solve individual issues.

ARAC ADMINISTRATION

Administrative structure

The following table describes the administrative structure of ARAC.

Position	Selected From	ARAC Participation	Term	Selection Process
ARAC member organizations	<ul style="list-style-type: none"> • The aviation industry • Public interest and advocacy groups 	<ul style="list-style-type: none"> • Executive Committee • Issue area • Working group • Harmonization working group 	Indefinite. However, the FAA reevaluates the ARAC member organizations every 2 years when it reviews the ARAC charter.	<ul style="list-style-type: none"> • Interested parties submit a request to the executive director. • The FAA considers whether the organization's interests— <ul style="list-style-type: none"> ▪ Are represented. ▪ Provide a unique perspective on any ARAC issues. • The FAA Associate Administrator for Regulation and Certification designates ARAC member organizations.
Chair	ARAC member organization	Executive Committee	1 year	<ul style="list-style-type: none"> • The vice chair from the previous year assumes the chair position or , if necessary, the FAA can appoint an individual from an ARAC member organization. • The FAA ensures the chair position represents different aviation interests over time by rotating who holds the position through the membership.
Vice chair	ARAC member organization	Executive Committee	1 year	<ul style="list-style-type: none"> • The FAA appoints the vice chair from different ARAC member organizations each year. • The FAA ensures the vice chair position represents different aviation interests over time by rotating who holds the position through the membership. <p>Note: At the end of the vice chair's term, the FAA selects the vice chair to assume the position of the chair.</p>

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Administrative structure (continued)

Position	Selected From	ARAC Participation	Term	Selection Process
Executive director	FAA	Executive Committee	Indefinite	There is no selection process. The Director of the Office of Rulemaking serves as the executive director and is the designated Federal official required by the FACA.
Assistant chair	ARAC member organization	<ul style="list-style-type: none"> • Executive Committee • Issue area 	Indefinite	The FAA appoints an individual from an ARAC member organization.
Assistant executive director	FAA	Issue area	Indefinite	The FAA appoints the division manager with responsibility for a particular subject area.
Issue area member	ARAC member organization	Issue area	Indefinite	<ul style="list-style-type: none"> • In consultation with the assistant chair and the assistant executive director, the executive director approves the selection of issue area member organizations. • ARAC and the FAA strive to keep the number of issue area members to a manageable number.
Working group chair	ARAC member organization	Working group	Ends when all tasks are complete	The assistant chair responsible for the issue area, in consultation with the assistant executive director, appoints an individual.
Harmonization working group chair	JAA	Working group	Ends when all tasks are complete	The JAA appoints the chair.
Working group member	<ul style="list-style-type: none"> • ARAC member organization • FAA representative • JAA representative • Interested public/industry 	Working group and/or harmonization working group	Ends when all tasks are complete	<p>The assistant chair, in consultation with the assistant executive director for the issue area, and the working group chair—</p> <ul style="list-style-type: none"> • Review the list of interested individuals responding to Federal Register notice or an FAA outreach effort. • Appoint ARAC member, non-ARAC member, and interested public volunteers as working group members.
FAA representative	FAA office of primary responsibility	Working group	Ends when all tasks are complete	The FAA office of primary responsibility assigns an FAA employee with technical expertise.

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Administrative structure (continued)

Position	Selected From	ARAC Participation	Term	Selection Process
FAA internal team member	FAA	Supports the FAA representative assigned to the working group	Ends when all tasks are complete	<ul style="list-style-type: none"> The Rulemaking Management Council assigns the internal team members based on availability and workload. Team members include— <ul style="list-style-type: none"> An attorney, An economist, and An Office of Rulemaking transportation industry analyst or directorate technical writer/editor.
JAA representative	JAA	<ul style="list-style-type: none"> Executive Committee Issue area Working group 	Indefinite Indefinite Ends when all tasks are complete	The JAA and the FAA agree on the JAA representative. See issue area member selection process. See working group member selection process.
Public interest representative	Public interest or advocacy group	<ul style="list-style-type: none"> Executive Committee Issue area Working group 	Indefinite Indefinite Ends when all tasks are complete	The FAA selects interested public volunteers for the Executive Committee. For issue area, see the issue area member selection process. For working group, see the working group selection process.
Economic policy representative	FAA	<ul style="list-style-type: none"> Executive Committee Working group — internal team 	Indefinite	There is no selection process. The Director of the Office of Aviation Policy and Plans performs the tasks of this position.
Legal representative	FAA	<ul style="list-style-type: none"> Executive Committee Working group — internal team 	Indefinite	There is no selection process. The Assistant Chief Counsel of Regulations from the Office of the Chief Counsel performs the tasks of this position.

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Administrative structure (continued)

Position	Selected From	ARAC Participation	Term	Selection Process
Office of Rulemaking transportation industry analyst	FAA	<ul style="list-style-type: none">• Issue area• Supports assistant executive director• Working group — internal team	Indefinite	There is no selection process. The Office of Rulemaking division manager with subject matter responsibility appoints the person to the position.

ARAC meetings

Procedures have been established that meet the FACA, Department of Transportation Committee Management Order 1100.30C, and Government procedures on meetings and teleconference requirements. A detailed discussion of meeting procedures according to FACA and FAA policy can be found in appendixes A, B, and C to this manual.

ARAC PROCESS

Overview

The ARAC process is divided into the following phases:

- Task,
- Working group formation,
- Work plan/concept paper,
- Recommendation development, and
- FAA action.

A general description of what takes place during each phase is provided below. A chart showing the flow of the phases follows the discussion. Activities specific to each ARAC participant's area of interest are discussed in more detail in each chapter and in the appendixes.

Task phase

- Step 1.** The FAA determines that it needs assistance from ARAC on a rulemaking issue and tasks ARAC to develop a recommendation document. The FAA may ask for the recommendation as a technical report, rulemaking document, or advisory circular, or specify another type of document.
- Step 2.** The Executive Committee reviews the task, requests clarification or modification, and accepts or declines the task.
- Step 3.** If ARAC accepts the task, a notice is published in the Federal Register that—
- Announces the FAA's decision to task ARAC.
 - Assigns the task to a specific issue area and/or working group.
 - Solicits participation in the working group.

The assistant chair, in consultation with the assistant executive director, may contact individuals directly to participate in the working group because an individual may possess a particular expertise that may help complete the task.

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Working group formation phase

- Step 1.** The assistant chair (from the issue area related to the task subject) selects a working group chair from the responses of interested individuals, in consultation with the assistant executive director.
- Step 2.** The working group chair and assistant chair, in consultation with the assistant executive director, select working group members from the responses of interested individuals.
- See chapter 5 for information on working groups.
- Step 3.** The assistant executive director notifies each individual of his or her selection or nonselection to the working group.

Work plan/concept paper phase

- Step 1.** The working group chair schedules an initial working group meeting. At the meeting the—
- Office of Rulemaking briefs the working group on the ARAC process, and
 - FAA representative briefs the working group on the task.
- Step 2.** The working group meets as necessary to prepare—
- A work plan that describes a schedule, the method the working group is going to use to complete an assigned task, and what the working group has to do and how it is going to do it.
 - A concept paper that serves as the outline for its recommendation document and discusses the working group's proposed ideas in detail.
- Step 3.** The working group discusses and reaches consensus on the work plan and concept paper.
- Step 4.** The working group chair sends the work plan and concept paper to the assistant chair and requests time on the next issue area meeting agenda to present the work plan and concept paper.
- Step 5.** The assistant chair distributes the work plan and concept paper to the issue area members to review before the next issue area meeting. The work plan and concept paper are generally distributed at least 3 weeks before the meeting.
- Step 6.** The working group chair presents the work plan and concept paper to the issue area members at an issue area meeting.
- Step 7.** The issue area members deliberate and reach consensus on the work plan and concept paper. The issue area members may send the work plan and/or concept paper back to the working group for revision, if necessary.
- Step 8.** The issue area accepts the working group's work plan and concept paper.

Recommendation development phase

- Step 1.** The working group members meet to discuss and draft the recommendation document. (The working group may request drafting, legal, and/or economic guidance. Such a request is made to the FAA through the issue area assistant chair.)
- Step 2.** The working group discusses and reaches consensus on the recommendation and accepts the recommendation document.
- Step 3.** The working group sends the recommendation document to the issue area for approval. If the recommendation document is in the form of a proposed rule, the Office of Rulemaking sends the document through the Associate Administrator for Regulation and Certification to formally request an economist to prepare an economic evaluation and an attorney for legal review.
- Step 4.** The working group reviews the economic evaluation and any changes from the attorney. A summary of the economic evaluation is inserted into the preamble. The working group repeats step 2.
- Step 5.** The working group chair sends the recommendation document to the assistant chair and requests time on the next issue area meeting agenda to present the document.
- Step 6.** The assistant chair distributes the recommendation document to issue area members to review before the next issue area meeting. The document is generally distributed 30 days before the meeting.
- Step 7.** The working group chair presents the recommendation document to the issue area members.
- Step 8.** The issue area members deliberate and reach consensus on the recommendation document. The issue area members may send the recommendation back to the working group for revision, if necessary.
- Step 9.** The issue area accepts the working group's recommendation document.
- Step 10.** The assistant chair prepares a transmittal letter to the FAA and sends the formal hard copy of the document to the FAA through the Associate Administrator for Regulation and Certification. The assistant chair also provides the Office of Rulemaking transportation industry analyst assigned to the issue area with an electronic copy of the letter and formally sends a hard copy of the document to the analyst.

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FAA action phase

- Step 1.** The FAA acknowledges receipt of the recommendation document and tells ARAC of its intended actions on the document.
- Step 2.** The FAA posts the recommendation document on its Web site at http://www.faa.gov/avr/arm/arac_index.htm within 3 weeks of receipt of the document.
- Step 3.** If the recommendation is a rulemaking document, the Office of Rulemaking processes the rulemaking document. The office of primary responsibility prepares the rulemaking project record for the rulemaking document. If the recommendation is not a rulemaking document, the Office of Rulemaking forwards the recommendation document to the office of primary responsibility for processing within the FAA.

ARAC PROCESS

